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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,463	12/16/2003	John W. Northcutt	U03-0131.64	1462
24239	7590	02/09/2006	EXAMINER	
MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709			LE, DANH C	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,463

Applicant(s)

NORTHCUTT, JOHN W.

Examiner

DANH C. LE

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-21 and 24-32 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 22 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 3/3/05 and 12/15/05 have been considered by the examiner and made of record in the application file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-5, 9, 10, 17-21, 25 26 are rejected under 35 U.S.C. 103(e) as being unpatentable over Mizune (US 2003/0013461).**

As to claim 1, Mizune teaches a method of presenting location data representing a mobile phone's current approximate location (figure 4) comprising:

determining the current position of the mobile phone;

looking up locations within a predetermined distance from the current position of the mobile phone; and

displaying a location icon representing a location within the predetermined distance to the current position of the mobile phone.

As to claim 2, Mizune teaches the method of claim 1 further comprising waiting a predetermined period before re-determining the current position of the mobile phone (figure 3).

As to claim 3, Mizune teaches the method of claim 2 further comprising prompting the user to input the predetermined period (figure 3).

As to claim 4, Mizune teaches the method of claim 3 further comprising prompting the user to input the predetermined distance from the current position of the mobile phone (figure 3).

As to claim 5, Mizune teaches the method of claim 4 further comprising determining the distance between the current position of the mobile phone and the underlying location of the location icon (figure 4).

As to claim 9, Mizune teaches the method of claim 1 further comprising displaying primary data pertaining to the location icon including a distance and heading measurement, wherein the primary data is displayed along with the location icon (figure 4).

As to claim 10, Mizune teaches the method of claim 8 further comprising accessing and displaying secondary data pertaining to the location icon that can be displayed on the mobile phone wherein the secondary data pertaining to the location icon includes coordinate data and is accessed by selecting the location icon.

As to claim 11, Mizune teaches the method of claim 1 wherein determining the current position of the mobile phone utilizes a Global Positioning System (GPS) system within the mobile phone (figure 2).

As to claim 17, the claim is a software program of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 18, the claim is a software program of claim 2; therefore, the claim is interpreted and rejected as set forth as claim 2.

As to claim 19, the claim is a software program of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

As to claim 20, the claim is a software program of claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

As to claim 21, the claim is a software program of claim 5; therefore, the claim is interpreted and rejected as set forth as claim 5.

As to claim 25, the claim is a software program of claim 9; therefore, the claim is interpreted and rejected as set forth as claim 9.

As to claim 26, the claim is a software program of claim 10; therefore, the claim is interpreted and rejected as set forth as claim 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11-14, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizune.

As to claim 11-14, Mizune teaches the method of claim 1, Mizune fails to teaches determining the current position of the mobile phone utilizes an Enhanced Observed Time Differential (E-OTD) system, a Time Of Arrival (TOA) system, a cell of original

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system within the mobile phone and providing the location icon to a network server such that it can be accessed by other mobile phone users. However, the Examiner takes Official Notices that the recited limitations are known in the arts. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of recited limitations into the system of Mizune in order to determine the location of the mobile device using different methods.

As to claims 27-30, the claims are the computer software program of claims 11-14; therefore, the claims are interpreted and rejected as set forth as claims 11-14.

4. Claims 15-16, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizune in view of Muramatsu (US 6,941,127).

As to claims 15 and 16, Mizune teaches the method of claim 1, Mizune fails to teach location icons and the underlying coordinates of the location icons are stored in an external location icon database residing on the network wherein the external location icon database is accessible to the mobile phone and contains commercially supplied location icons and location icon coordinates and location icons and the underlying coordinates of the location icons are stored in an internal location icon database residing in the mobile phone wherein the internal location icon database contains user-defined location icons and location icon coordinates. Muramatsu teaches location icons and the underlying coordinates of the location icons are stored in an external location icon database residing on the network wherein the external location icon database is accessible to the mobile phone and contains commercially supplied location icons and location icon coordinates and location icons and the underlying coordinates of the

location icons are stored in an internal location icon database residing in the mobile phone wherein the internal location icon database contains user-defined location icons and location icon coordinates (figure 3-6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Muramatsu into the system of Mizune in order to display the icon based on the icon data.

As to claims 31, 32, the claims are the computer software program of claims 15, 16; therefore, the claims are interpreted and rejected as set forth as claims 15 and 16.

Allowable Subject Matter

Claims 6, 7, 22, 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 6 and 22, the teaching of prior arts either alone or in combination fails to teach changing the appearance of the location icon based on the distance between the current position of the mobile phone and the underlying location of the location icon such that the location icon appears darker when the current position of the mobile phone is closer to the underlying location icon and lighter when the current position of the mobile phone is further from the underlying location of the location icon.

As to claims 7 and 23, the teaching of prior arts either alone or in combination fails to teach changing the appearance of the location icon based on the distance between the current position of the mobile phone and the underlying location of the location icon such that the location icon appears in a first color when the current position

of the mobile phone is closer to the underlying location of the location icon and in a second color when the current position of the mobile phone is further from the underlying location of the location icon.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Pochuev et al (US 2004/0204831) teaches system and method of locating a resource device from a wireless device.

B. Nakahara et al (US 6,978,209) teaches mobile terminal and navigation system.

C. Samimaa et al (US 6,934,911) teaches grouping and displaying contextual objects.

D. Ylitalo et al (US 2004/0203768) teaches system, method and apparatus for automatically selecting mobile device profiles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Danh', with a horizontal line underneath it.

February 4, 2006.

DANH CONG LE

PRIMARY EXAMINER